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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2009-37

**LAVON ANN STEWART, aka  
LAVON ANN JONES WICKWARE  
HAZARD STEWART**  
7760 Sycamore Drive  
Citrus Heights, California 95610

**A C C U S A T I O N**

Registered Nurse License No. 569676

Respondent.

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

**PARTIES**

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

**Registered Nurse License**

2. On or about August 3, 2000, the Board issued Registered Nurse License Number 569676 to Lavon Ann Stewart, also known as Lavon Ann Jones Wickware Hazard Stewart ("Respondent"). The registered nurse license will expire on January 31, 2010, unless renewed.

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## STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct. . . ,

7. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

8. Code section 2770.11 states:

(a) Each registered nurse who requests participation in a diversion program shall agree to cooperate with the rehabilitation program designed by a committee. Any failure to comply with the provisions of a rehabilitation program may result in termination of the registered nurse's participation in a program. The name and license number of a registered nurse who is terminated for any reason,

1 other than successful completion, shall be reported to the board's enforcement  
2 program.

3 (b) If a committee determines that a registered nurse, who is denied  
4 admission into the program or terminated from the program, presents a threat to  
5 the public or his or her own health and safety, the committee shall report the name  
6 and license number, along with a copy of all diversion records for that registered  
7 nurse, to the board's enforcement program. The board may use any of the records  
8 it receives under this subdivision in any disciplinary proceeding.

### 9 COST RECOVERY

10 9. Code section 125.3 provides, in pertinent part, that the Board may request  
11 the administrative law judge to direct a licensee found to have committed a violation or  
12 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
13 and enforcement of the case.

### 14 BACKGROUND

15 10. On September 13, 2004, Respondent self-referred after relapsing on  
16 Vicodin and alcohol in June 2004, and entered the Maximus Diversion Program. On or about  
17 October 26, 2006, Respondent admitted to her clinical case manager that she relapsed on Vicodin  
18 in or about July 2006, during an emergency room visit. Respondent continued in diversion until  
19 July 10, 2007, when she tested positive for Morphine. Respondent admitted that she obtained the  
20 Morphine by persuading her terminally ill neighbor's son to provide her with the drug for her  
21 pain. Following the July 10, 2007, drug test, the Diversion Evaluation Committee immediately  
22 mandated that Respondent suspend her nursing practice and enter an inpatient program within 7  
23 days; however, Respondent refused said mandate and was terminated from the program as a  
24 public risk.

### 25 11. DRUG

26 "Morphine" is a Schedule II controlled substance as designated by Health  
27 and Safety Code section 11055, subdivision (b)(1)(M) and a dangerous drug under Code section  
28 4022 in that under federal or state law it requires a prescription.

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1 **CAUSE FOR DISCIPLINE**

2 **(Self Administration)**

3 12. Respondent has subjected her license to discipline under Code section  
4 2762, subdivision (a), on the grounds of unprofessional conduct, in that on or about July 10,  
5 2007, Respondent self-administered Morphine, a controlled substance, without lawful authority,  
6 in violation of Health and Safety Code section 11173, subdivision (a). Respondent admitted she  
7 obtained the Morphine by persuading her terminally ill neighbor's son to provide her with the  
8 drug.

9 **PRAYER**


10 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
11 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 569676, issued  
13 to Lavon Ann Stewart, also known as Lavon Ann Jones Wickware Hazard Stewart;

14 2. Ordering Lavon Ann Stewart, also known as Lavon Ann Jones Wickware  
15 Hazard Stewart to pay the Board of Registered Nursing the reasonable costs of the investigation  
16 and enforcement of this case, pursuant to Code section 125.3; and,

17 3. Taking such other and further action as deemed necessary and proper.  
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19 DATED: 8/15/08

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21 RUTH ANN TERRY, M.P.H., R.N.  
22 Executive Officer  
23 Board of Registered Nursing  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant